



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Paul Hershberger
and Olufemi Martins, Regional Staff
Nurse, Medical Assistance
(PS3988K), Department of Human
Services

Examination Appeals

CSC Docket Nos. 2019-162 and 2019-
88

ISSUED: SEPTEMBER 7, 2018 (SLK)

Paul Hershberger and Olufemi Martins appeal the determinations of the Division of Agency Services (Agency Services) that they were not eligible for the promotional examination for Regional Staff Nurse, Medical Assistance (PS3988K), Department of Human Services. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the January 22, 2018 closing date. The examination was open to employees in the non-competitive division who were currently serving as a Charge Nurse and had an aggregate of one year of continuous permanent service as of the closing date in that title. Additionally, the education requirements were a Bachelor's degree including or supplemented by successful completion of a curriculum in an approved school of nursing. Further, the experience requirements were three years of experience as a Professional Registered Nurse, which shall have included clinical nursing, practice in nursing supervision, nursing education, nursing management or public health nursing. Moreover, two additional years of experience may be substituted for the Bachelor's degree. A total of 21 employees applied for the subject examination which resulted in a list of 14 eligibles. Certifications PS180850, PS180851, PS180856 and PS1800857 were issued appointing the 14 eligibles.

On his application, Hershberger indicated that he had an Associate's degree in Nursing, was a Registered Nurse (RN) since 1999, was provisionally serving in

the subject title starting in January 2018 to the January 22, 2018 closing date, but did not list any other experience. Personnel records indicate that Hershberger was also a Charge Nurse, 12 months from March 2007 to January 2018. Agency Services credited Hershberger for his Associate's degree in nursing, having a RN license, and one-month of experience based on his provisional service in the subject title, but determined that he lacked four years and 11 months of the required experience.

Martins indicated that he had a Bachelor's degree in Nursing, was a Registered Nurse since 2010, was provisionally serving in the subject title from December 2017 to the January 22, 2018 closing date, but did not list any other experience. Personnel records indicate that Martins was also a Charge Nurse, 12-months from April 2015 to December 2017 and a Medical CWA from January 2012 to April 2015. Agency Services credited Martins for his Bachelor's degree in Nursing, having a RN license, but determined that he lacked three years of the required experience.

On appeal, Hershberger believes that he attached his resume and his college transcripts to his application. He submits his application which describes all of his experience in State service and his college transcripts which show he has earned 84 college credits. Hershberger argues that he has 14 years and one month of experience based on his experience and college credits.

Martins states that, except for his current provisional experience for the subject title, all of his prior experience was submitted with a prior examination. Therefore, he thought that Agency Services already had information on his prior experience and he only needed to provide his most recent experience for the subject examination. Martins submits a resume describing his experience since October 2010 in State service and the private sector in various positions as a Nurse in clinical settings.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellants were not eligible for the subject examination as Hershberger and Martins did not indicate any experience on their applications other than their provisional experience in the subject title. However, the appellants have demonstrated on appeal that they each

have more than the required experience. However, the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date, the Commission notes circumstances present that provide good cause to permit the appellants to amend their applications in this particular matter. Specifically, the list has been exhausted as all the eligibles have been appointed to the subject title. Additionally, Hershberger and Martins continue to serve provisionally in the subject title. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). In this regard, the Commission finds that the appellants have demonstrated that they have the required experience, which, based on the circumstances presented, warrants their admission to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and admit the appellants.

The Commission cautions the appellants that, in the future, they should ensure that any applications are fully and completely filled out as their failure to do so will be cause for rejection from the selection process.

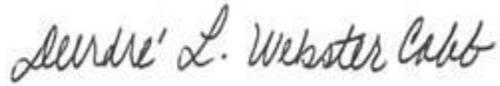
Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that these appeals be granted, and Paul Hershberger's and Olufemi Martins' applications be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 5th DAY OF SEPTEMBER, 2018



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